

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**NOREEN SALAZAR, Individually, and as
Wrongful Death Personal Representative of
THE ESTATE OF JOSEPH PORTILLO,**

Plaintiff,

v.

No. 12cv0053 MV/LAM

GINA BOCANEGRA, et al.,

Defendants.

**ORDER STRIKING OPPOSED EXPEDITED MOTION TO EXTEND
DISCOVERY RESPONSE AND
EXPERT WITNESS DISCLOSURE DEADLINES**

THIS MATTER comes before the Court on Defendants' *Opposed Expedited Motion to Extend Discovery Response and Expert Witness Disclosure Deadlines (Doc.51)*, filed May 15, 2012 by Monica Garcia. The motion asks for a two-week extension of the deadline for Defendant Desert Trailer, Inc. and Defendant Bocanegra to respond to Plaintiff's discovery requests, and to extend both Plaintiff's and Defendants' expert disclosure deadlines by two weeks. Having considered the motion, record of the case, and relevant law, the Court **FINDS** that the motion was improperly filed and will be **STRICKEN**.

Under the Court's local rules, an attorney must enter an appearance before participating in a proceeding or obtain leave of the Court to sign and file any pleading, motion, or other document. D.N.M. LR-Civ. 83.4(a) ("To participate in a pending proceeding, an attorney must enter an appearance or obtain leave of the Court to sign and file any pleading, motion, or other document."). Ms. Garcia filed the motion before entering an appearance in this case or obtaining leave of Court

to substitute as counsel for Defendant Desert Trailer (*see Doc. 53*), so the motion is premature and improperly filed. Therefore, the Court will strike this motion from the record.

IT IS THEREFORE ORDERED that, for the reasons stated above, Defendants' *Opposed Expedited Motion to Extend Discovery Response and Expert Witness Disclosure Deadlines (Doc.51)* is **STRICKEN FROM THE RECORD**.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE